THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.27874 OF 2005

DATED: 30-07-2007

BETWEEN

Smt. Billa Suseela,
W/o. Abraham,
R/o. Devarapalli Village,
Parchuru Mandal,
Prakasam District and
others.

...PETITIONER

AND

The Superintendent of Police,
Prakasam District, Ongole and
others.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of the respondent authorities in interfering with their peaceful possession and enjoyment of the land in an extent of Ac.6.69 cents situated in Sy.Nos.29/1 & 160/6 of Devarapalli Village, Parchur Mandal, Prakasam District and in not taking action and in not registering any crime on their representations dated 16.08.2005 and 02.11.2005 for the offence under Sections 3 (iv) (v) of the Schedule Castes & Schedule Tribes (Prevention of Attrocities) Act, 1989 (for short 'the Act'), as illegal and arbitrary.

2. This Court while admitting the writ petition granted interim direction to the respondents not to interfere with the peaceful possession of the petitioners over the said land.

3. The first respondent filed a counter stating that that there is a dispute over subject matter of the property in question and the record goes to show that the petitioners are not in possession of the said land. However, the third respondent obtained enclosures of the writ petition from the Government Pleader's Office and he registered the following cases:

1. Based on the representation dated 16.08.2005 a case in Cr.No.90 of 2006 was registered for the offence under Sections 447, 323, 352, 506 read with Section 34 of the Indian Penal Code, 1860;

2. Based on the representation dated 02.11.2005 a case in Cr.No.91 of 2006 was registered for the offence under Sections 506, 354 read with Section 34 IPC;

3. Based on the representation dated 22.11.2005 a case in Cr.No.92 of 2006 was registered for the offence under Sections 3(1) (v) and (x) of the Act; and

4. Based on the representation dated 08.09.2004 a case in Cr.No.93 of 2006 was registered for the offence under Sections 3(1) (v) of the Act.

It is further stated that the aforesaid cases have been registered and investigation has been taken up. It is further stated that as the third respondent failed to file a counter and failed to inform the action taken by him as per the directions of this Court, the third respondent has been punished by way of postponement of increment for two years.

4. The second respondent also filed a counter stating that the wife of the impleaded sixth respondent in WPMP.No.35754 of 2005 also lodged a complaint dated 25.01.2006 against the husband of the first petitioner; father of the third petitioner, fifth petitioner and others, based on the said complaint a case in Cr.No.3 of 2006 under Sections 323, 506, 508 read with 34 IPC was registered. After completion of investigation, charge sheet also has been filed, which is numbered as C.C.No.45 of 2006 on the file of the Additional Munsif Magistrate, Parchur.

5. I am of the opinion that this Court cannot resolve the civil disputes with regard to right, title and possession over the said property between the

petitioners and the impleaded sixth respondent, as it is for the respective parties to get their civil disputes resolved before the appropriate authority or the civil Court. Unless the revenue authorities or the civil Court settles the civil disputes, it is not just and proper for the police to interfere with the civil disputes or render police assistance on the application of either party. However, insofar as criminal cases are concerned, it is for the concerned Investigating Officers to expedite the investigation and file charge sheet/final report in accordance with law.

The interim order granted earlier is accordingly vacated and the writ petition is accordingly disposed of directing the concerned Investigating Officers to expedite the investigation and take appropriate action by filing final reports as expeditiously as possible in accordance with law. There shall be no order as to costs.

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V. ESWARAIAH, J

July 30, 2007
DSK